

**UNITED STATES BANKRUPTCY COURT
FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In the Matter of:

DAVID LAURENCE LONG

Debtor

Chapter 13

Case No. 25-10298-BFK

**MOTION TO DISMISS,
NOTICE OF MOTION TO DISMISS
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION**

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case. The cause for this motion is as follows:

Violation of 11 U.S.C. §109(e) – Lack of Regular Income

- Schedules I/J show Debtor's expenses exceed his income by \$5,836.97/month. The "income" Debtor had as of the Petition Date (\$700.66/month from Uber) is less than the \$2,721.33/month mortgage payments shown at line 4 of Schedule J. Debtor therefore does not have "regular income" as defined by 11 U.S.C. §101(30) as of the Petition date.

Violation of 11 U.S.C. §1307(c) – Lack of Good Faith and Unreasonable Delay

- Debtor has the following prior case history, which history gives question as to whether filing a new case at a time when he was only marginally employed and had negative disposable income was a good faith filing.

19-13938-BFK David Lawrence Long
Case type: bk **Chapter:** 7 **Date**
filed: 12/02/2019 **Debtor discharged:** 03/10/2020

21-11113-KHK David Laurence Long
Case type: bk **Chapter:** 13 **Date filed:** 06/21/2021
Plan confirmed: 10/15/2021 **Debtor dismissed:** 02/03/2023
Dismissed due to material default

23-10822-KHK David Laurence Long
Case type: bk **Chapter:** 13 **Date filed:** 05/16/2023
Plan confirmed: 10/02/2023 **Debtor dismissed:** 01/25/2024 Dismissed
with **PREJUDICE**. Barred from filing for 180 days.

Notice and Motion to Dismiss

DAVID LAURENCE LONG, Case #25-10298-BFK

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1. Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before twenty-one days from the service of this notice. You must mail a copy to the persons listed below.

Attend the hearing to be held on May 8, 2025 at 1:30 p.m. in Courtroom #1 on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
1414 Prince Street, Suite 202
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: April 3 2025

/s/ Thomas P. Gorman
Thomas P. Gorman
Chapter 13 Trustee
1414 Prince Street, Suite 202
Alexandria, VA 22314
(703) 836-2226
VSB 26421

Notice and Motion to Dismiss

DAVID LAURENCE LONG, Case #25-10298-BFK

CERTIFICATE OF SERVICE

I hereby certify that I have this 3rd day of April 2025, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss, Notice of Motion and Notice of Hearing to the following parties.

David Laurence Long
Chapter 13 Debtor
42666 Frontier Dr
Ashburn, VA 20148

Daniel M. Press, Esquire
Attorney For Debtor
Chung & Press, P.C.
6718 Whittier Ave. Ste. 200
McLean, VA 22101

_____/s/ Thomas P. Gorman_____
Thomas P. Gorman